

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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CHONG and MARILYN YIM, KELLY ) Civil Action No. 2:18-cv-00736-BJR  
LYLES, EILEEN, LLC, and RENTAL )  
HOUSING ASSOCIATION OF )  
WASHINGTON, )  
Plaintiffs, )  
v. )  
THE CITY OF SEATTLE, a Washington )  
municipal corporation, )  
Defendant. )

THIS MATTER came before the Court on cross-motions for summary judgment. Dkt. #s 23 and 33. This Court initially granted Defendant City of Seattle's cross-motion and denied the cross-motion filed by Plaintiffs Yim, et al. Dkt. # 88. On appeal, the U.S. Court of Appeals for the Ninth Circuit reversed as to Count I (violation of the First Amendment) and remanded to this Court for a severability determination. Dkt. # 97. This Court ruled that the unconstitutional provision is severable. Dkt. # 124.

IT IS ORDERED AND ADJUDGED that judgment is entered as follows:

1. The Defendant's cross-motion for summary judgment is DENIED, and Plaintiffs' cross-motion for summary judgment is GRANTED on Count I (violation of the First

1 Amendment). The Court declares the inquiry provision of the “Fair Chance Housing Ordinance,”  
2 Ch. 14.09 Seattle Municipal Code, unconstitutional. Judgment is hereby entered in Plaintiffs’  
3 favor on Count I.

4 2. The Plaintiffs’ cross-motion for summary judgment is DENIED, and Defendant’s  
5 cross-motion for summary judgment is GRANTED on Count II (Substantive Due Process).  
6 Judgment is hereby entered in Defendant’s favor on Count II.

7 3. Each party will bear its own costs.

8  
9 DATED this 17th day of September 2024.

  
Barbara J. Rothstein

10  
11 UNITED STATES DISTRICT JUDGE

12 PRESENTED BY:

13 Brian T. Hodges, WSBA # 31976  
14 Ethan W. Blevins, WSBA # 48219  
15 Pacific Legal Foundation  
16 1425 Broadway # 429  
17 Seattle, Washington 98122  
18 Telephone: (425) 576-0484  
19 Fax: (425) 576-9565  
20 Email: BHodges@pacificlegal.org  
21 Email: EBlevins@pacificlegal.org  
22 *Attorneys for Plaintiffs*

23 Ann Davison, Seattle City Attorney  
24 By: Roger D. Wynne, WSBA #23399  
25 Sara O’Connor-Kriss, WSBA #41569  
Seattle City Attorney’s Office  
701 Fifth Ave., Suite 2050  
Seattle, WA 98104-7095  
Ph: (206) 684-8200  
roger.wynne@seattle.gov  
sara.oconnor-kriss@seattle.gov  
*Assistant City Attorneys for Defendant City of Seattle*